the measures for the advancement of which the conference was founded. It called attention to certain accomplishments since the Napoleonic wars, such as the development of international law, the growing sense of obligation and duty between nation and nation, the increasing interdependence and co-operation among nations, and a wider application of the federal principle. The tendency toward broader alliances or groupings for the accomplishment of international ends was believed to presage the concert of powers necessary to any permanent peace.

Gratitude was expressed to the President of the United States for steadfastly maintaining the neutrality of our government and for asserting with firmness, clarity, and restraint the rights of our people as citizens of a neutral nation.

The hope that the world will yet fashion a substitute for war is still alive. As a basis for joint action by any two or more powers, it was proposed that all justiciable questions arising between the signatory powers not settled by negotiation should be submitted to a judicial tribunal for hearing and judgment both upon the merits of the case and upon any question of jurisdiction. It was voted that all non-justiciable questions arising between the signatories not settled by negotiation should be submitted to a council of inquiry and conciliation for hearing, consideration, and recommendation. It was further stated that conferences between signatory powers should be held from time to time to formulate and codify rules of international law to govern in the decisions of the judicial tribunal. Such were the views unanimously adopted.

Differences of opinion about adequate defense, personal antipathies against pacifists, vagaries advanced in the name of non-intercourse, a league of peace, an international police, none of these obscured the fact that every man and woman present felt war to be a hideous and intolerable means of settling international disputes, and that human beings will yet make impossible its worse than beastly practices. The conference was therefore no joke. It was both vital and encouraging, and at a time when strength and encouragement are very much needed.

The Cleveland World Court Congress.

There were few ludicrous utterances and a hopefully limited number of impracticable resolutions at the World Court Congress, held in Cleveland, Ohio, May 12, 13, 14. The women freely expressed their resentment at their conspicuous absence from the program; but it was, nevertheless, a most helpful congress. One-half of the ancient peace program of the American Peace Society did occupy the central place in the thought of thousands of thinking people for three encouraging days. The world war, the *Lusitania* incident and the profound American excitement added rather than detracted from the interest. The dominant note of every session was peace on earth and justice among men. The object of the gathering was to organize sentiment in favor of the International Court of Justice all but set up at The Hague in 1907.

"Cleveland, the birthplace of the world peace," "destined to supersede The Hague Conference of which it is the evolution," "Cleveland, The Hague of the world," "now is the psychological time for the establishment of a world court," "this is no time for inveighing against war," "this is not a peace congress," were some of the irresponsible expressions of an uninformed enthusiasm.

The difficulties in the way of organizing a world court were not overlooked. The establishment of a world state or even a league of peace presented many problems. It was seen that we must clarify and modify our conceptions of sovereignty. The old cleavage between the sanctions of public opinion and of an international police appeared. One expressed the absurd view that the treaty which shall close this present war "must enthrone the court in a world state." The number of judges which should constitute the court and the methods of selecting them were seriously considered. The bases of representation, the details of nomination and election, allegiance, and confirmation were discussed at length. Differences between legislative and judicial functions of an international organization were neither adequately nor thoughtfully studied, one prominent speaker confusing the issue by proposing that "a maritime code be embodied by the court." After urging that the court should have jurisdiction over international commerce, trade-marks, inventions, copyrights, exchange, the same speaker further proposed that "the court establish rules of war in accordance with civilized and Christian practices." There was no little haziness with reference to the classes of cases to be excluded from the court. The problems arising out of the reliability of agreements, the sanctity of treaties, and the acceptance of the court by the nations as a means of settling international disputes received little attention.

And yet, we repeat, the congress was both encouraging and helpful. It was made clear that the science of war has been far more successfully developed than the science of peace. It was clearly stated and reaffirmed that we must do for the nations what has already been done for the individuals within the nations. There was an earnest desire to reach beyond platitudes to a practical plan. The inadequacy of diplomacy and of arbitration was demonstrated and accepted. In the words of the president of the congress: "Armed peace is a pyramid propped by huge armaments." In one form or another the view was repeatedly expressed that in time of war we must prepare for peace that in time of peace we

shall not have to prepare again for war. It was held that the court should define the rights of neutrals; that it should have jurisdiction over international boundaries, health, sanitation, immigration, trade discriminations, and the rights of nationals domiciled in another country. It was frankly recognized that international co-operation is necessary to the organization and maintenance of the court. It was suggested that the United States might well sound other nations as soon as possible with reference to the setting up of such a court.

A prominent banker of New York proposed that the nations be represented in the world court on the threefold basis of sovereignty, population, and commerce, a plan which would set up an electoral college with 361 votes, which college should elect fifteen judges for the court. It was pretty generally agreed that the elections should be confirmed by a "world power" that the judges might thus owe their allegiance primarily to that authority.

Important as this Cleveland gathering was, we venture the suggestion that it might better have concentrated its wisdom at this time upon that other half of the program of the American Peace Society, namely, a Congress of Nations. A Court of Nations will necessarily be preceded and perfected by such a Congress of Nations, and thus only. Laws defining the rights of belligerents and of neutrals, laws governing all international relations, will have to be restated and recodified at another Hague Conference. At such a conference the High Court of Nations which received so much attention at Cleveland will be set up, if it is to be set up. If the Cleveland congress is to be repeated in various other cities—and we hope it will be so repeated—there certainly ought to be another conference or series of conferences in the interest of a Congress of Nations.

Treaty Obligations.

The Lake Mohonk Conference on International Arbitration, at its May meeting, in looking back over the century since the days of Napoleon, declared its confidence in "the growing sense of obligation and duty between nation and nation."

The present wars opened by a breach of such an obligation on the part of Germany by invading Belgium. Since then, however, the German government has in several instances taken a very different course in the application of treaty provisions.

She has apologized to Switzerland for a flight of military air-craft over Swiss territory.

She has recognized the justice of the claim of the United States for reparation for the sinking of the *William P. Frye*. In 1828 a treaty between the United States and Prussia renewed a provision in a former treaty of 1785. This read as follows:

"If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent power shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties free vessels, taking free goods, insomuch that all things shall be adjudged free which would be on board any vessel belonging to the neutral party, although such things belong to the enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy."

The binding force of this treaty Germany promptly acknowledged, and advised us of her willingness to abide by it within a day or two after receiving our note stating our claim.

There is another and more far-reaching treaty to which the United States and Germany are parties. It is the Hague Convention of 1907 for the Pacific Settlement of International Disputes.

This provides, among other things (Part III), that "in disputes of an international nature, involving neither honor nor vital interests and arising from a difference of opinion on points of fact, the contracting powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy should, as far as circumstances allow, institute an international commission of inquiry to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation."

There is a question whether the *Lusitania* carried cannon prepared for service; another whether she was struck once or twice by a torpedo, and another as to the cargo of ammunition which she carried and its explosive character.

Before the vessel was sunk Germany notified our government that if any neutral ship should come to harm through submarines or air-craft, and the claim be made that the injury was done by those in the German service, Germany would unite in allowing the facts bearing on the claim, if she denied her responsibility, to be decided by an international commission of inquiry under the article of the Hague Convention above specified.

That convention also provides (Part IV) that "in questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the contracting powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle."

"Consequently it would be desirable that in disputes about the above-mentioned questions the contracting powers should, if the case arose, have recourse to arbitration in so far as circumstances permit."

"The arbitration convention is concluded for questions already existing or for questions which arise eventually. It may embrace any dispute or only disputes of a certain category."

"Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the contracting powers, the said powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compul-